

REMARKS

In accordance with the foregoing, the specification and claim 6, 11, 14, and 16-18 have been amended. No new matter is added. Claim 1-5, 12, 13, and 23-26 has been cancelled. Claims 6-11, 14-22, 27 and 28 are pending and under consideration.

ALLOWBLE SUBJECT MATTER

Applicants acknowledge with appreciation the indication that claims 27 and 28 recite patentable subject matter. Claims 27 and 28 are rewritten herewith in independent form including all the limitations of original claim 26.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-2, and 5-23 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0163710 to Ortiz et al. (hereinafter "Ortiz").

Ortiz discloses a system for random biometric authentication of a user. The system stores a plurality of biometric attributes of the user in a user profile, and challenges the user to provide a randomly selected biometric attribute for identification (see claim 11 of Ortiz). For example, FIG. 6 of Ortiz represents a flow chart of operations for authentication of a user in accordance to Ortiz. At 134, a user initiates a transaction with an electronic system by submitting a single biometric attribute. The electronic system, which as illustrated in FIG. 1 of Ortiz is a central system remote from clients requesting identification, requests the user to provide one randomly selected biometric attribute, at 140. The user provided randomly selected biometric attribute is compared with a corresponding biometric attribute in the user profile, at 144. Since the user has to be able to provide any of the biometric attributes in the user profile, a biometric data acquisition system for all the plurality of biometric attributes has to be available at the access point.

Independent claim 6 is directed to a terminal device including a biometric data storing unit, a biometric data acquisition unit, a person authentication unit and a biometric data output unit.

In contrast to Ortiz, according to claim 6, designated biometric data is output from said biometric data storing unit to an authentication device "**after** said person has been authenticated by said person authentication unit" "**based on acquired one kind of biometric data**" and

biometric data stored in said biometric data storing unit (emphasis ours). That is, different from Ortiz where a biometric data acquisition unit has to be able to acquire all the kinds of biometric data to respond to the random challenge, the biometric data acquisition unit of claim 6 acquires one kind of biometric data.

Further, according to claim 6, the designated kind of biometric data is output only after the person authentication unit authenticated the person based on the acquired biometric data. That is, the terminal device of claim 6 performs an authentication in the terminal device via the person authentication unit, and then outputs designated biometric data stored in the biometric data storing unit to the authentication device. The authentication device performs another authentication by matching the designated biometric data with dictionary data stored therein. Ortiz does not disclose two authentications of the person being performed.

Since Ortiz fails to teach or suggest all the recitations of claim 6, claim 6 and claims 7-10 depending from claim 6 patentably distinguish over the prior art.

In view of the above arguments, independent claim 11 patentably distinguishes over Ortiz at least by reciting:

- a second person authentication unit which performs person authentication by matching the one kind of biometric data acquired by the biometric data acquiring unit with the plurality of kinds of biometric data stored in the biometric data storing unit, and
- a biometric data transmitting unit which outputs at least one kind of biometric data when said person has been authenticated by the second person authentication unit.

Claims 14-22 depending directly or indirectly from claim 11 are also patentable at least by inheriting patentable features from independent claim 11.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 3, 4, 22, 24-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ortiz in view of U.S. Patent Application Publication No. 2001/0025342 to Uchida ("Uchida").

Uchida does not correct or compensate the above identified failure of Ortiz to teach all the recitations of the independent claims. Thus, claim 22 (claims 3, 4, and 24-26 being cancelled herewith) is patentable at least because it depends from patentable claim 11.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

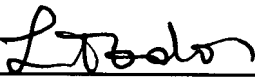
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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